

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

Kennis LeeLat' Avery

# 219966

Inmate Identification Number: \_\_\_\_\_

\_\_\_\_\_  
(Enter above the full name of the plaintiff  
in this action)

vs.

Willie Thomas, Warden I

Debra Toney, Warden II

Willie Bennett, Warden III

John Hutton, Captain

(Enter above full name(s) of the defendant(s)  
in this action)

**I. Previous lawsuits**

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?  
Yes ( ) No (X)

- B. If the answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: \_\_\_\_\_

N/A

Defendant(s): \_\_\_\_\_

N/A

**NOTICE TO FILING PARTY**

*It is your responsibility to  
notify the clerk in writing of any  
address change.*

*Failure to notify the clerk may  
result in dismissal of your case  
without further notice.*

**FILED**

2016 OCT 19 P 12:01

U.S. DISTRICT COURT  
N.D. OF ALABAMA

2. Court (if Federal Court, name the district; if State Court, name the county)  
N/A
3. Docket number N/A
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. Place of present confinement Bibb Correctional facility

A. Is there a prisoner grievance procedure in this institution?

Yes ( ☒ ) No ( ☐ )

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes ( ☒ ) No ( ☐ )

C. If your answer is YES:

1. What steps did you take? I filed/filled out 3-separate inmate grievance forms dropped in Box never got a response
2. What was the result? still as of today 10/10/16 I still have not got a response from Sgt. Sealey grievance officer

D. If your answer is NO, explain why not: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## III. Parties.

In item (A) below, place your name in the first blank and place your present address in the second blank.

A. Name of Plaintiff(s) Kennis Lee Lati Avery #219966

Address Bibb Correctional facility at 565 Bibb Lane,  
in Brent, AL 35834

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant Willie Thomas,

Is employed as Warden I

at Bibb Correctional facility (at) 565 Bibb Lane (in) Brent AL 35834

C. Additional Defendants Debra Toney, Warden II at Bibb Correctional  
facility (in) Brent, AL 35834 / Willie Bennett Warden III (at) Bibb  
Correctional facility (in) Brent AL 35834 / John Hutton, Captain  
(at) Bibb Correctional facility (in) Brent, AL 35834

## IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

on June 17, 2015 I inmate Kennis Avery #219966 was stabbed  
in the left tricept and shoulder 2-times. The incident occurred  
between 6:00 p.m. and 6:30 p.m. Incident is caught on camera  
at Bibb Correctional facility, first to arrive and witness incident  
was C.O. Haygood who was also the dorm officer, and officer  
Hemery the cube officer. Body chart was done by nurse

sanders, who didn't check to see if any major organs had been hit or damaged, nor did nurse sanders even put a bandaide on the wound.

Sgt. walker had to escort me back to the Healthcare and make the nurse give me inmate Kennis Avery some antibiotic and bandaids. All being on Camera

### Claims

#1) The Plaintiff claims the Defendants Warden Willie Thomas, Warden Debra Toney, and Warden Willie Bennett was acting under the Color of law and did intentionally cause/allow his injury due to understaffing, deliberate indifference to his safety, and Akbamaq Department of Corrections Negligence in allowing all 3-Wardens in running the Bibb Correctional facility in Brent, al 35034.

#2) The Plaintiff Claims the Defendants Warden Willie Thomas, Warden Debra Toney, and Warden Willie Bennett while acting under the Color of law did and continue to Conspire to neglect the understaffing problem at Bibb Correctional facility that caused his injury by failing to provide a safe, secure, and humane environment

#3) The Plaintiff Claims the Defendant Captain John Hutton was acting under the Color of law, and did not fill his professional responsibility by making sure that the prison he was placed as Head over Security was not understaffed on June 17, 2015 and by understaffing allowed the injury to occur.

#4) The Plaintiff Claims all of the Defendants Warden Thomas, Warden Toney, Warden Bennett, and Captain John Hutton was, were, and are continue to act under the color of law when the injury occurred that inflicted a unnecessary and unwanted infliction of pain by the overcrowding and intentionally neglecting the problem of understaffing.

see Add on sheets.

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

That you will issue a Court order for the video camera for June 17, 2015 for C-1 Dorm-C and This Honorable Court will award me monetary damages of \$75,000.00 from each Defendant because of thier negligence in running the Bibb Correctional facility, Allowing me a jury Trial.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10-16-16.

Thennis Lee Lat. Quacy #219966 B-1-17B  
SIGNATURE

ADDRESS Bibb Correctional facility

565 Bibb Lane

Brent, AL 35034

AIS # 219966